



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Daniel E. H. AFAR, *et al.*

Serial No.: 09/615,285

Filing Date: 12 July 2000

For: NOVEL TUMOR ANTIGEN USEFUL
IN DIAGNOSIS AND THERAPY OF
PROSTATE AND COLON CANCER

Examiner: Gary B. Nickol, Ph.D.

Group Art Unit: 1642

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DECLARATION UNDER 37 C.F.R. 1.809(b)(1)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Timothy J. Lithgow, declare as follows:

1) I am a Registered Patent Attorney and the Senior Director of Intellectual Property of Agensys, Inc., Santa Monica, California, the assignee of the above-referenced patent application.

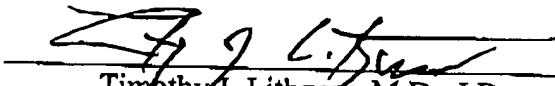
I am also an attorney of record in the above-referenced patent application.

2) At page 86, lines 16-18, the application refers to a deposit of plasmid p20P1F12-GTC1 carrying the 20P1F12-GTC1 cDNA with the American Type Culture Collection (ATCC) on February 12, 1999, which was accorded ATCC Designation No. 207097.

3) This deposit was made subject to the provisions of 37 C.F.R. §§ 1.801-1.809.

4) I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed at Santa Monica, California, on 6 August 2003.


Timothy J. Lithgow, M.D., J.D.
Registration No. 36,856